

Morgan Lewis

Amy M. Dudash

+1.302.574.7293

amy.dudash@morganlewis.com

December 12, 2024

VIA CM/ECF

Honorable Jennifer L. Hall
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3555

Re: Nippon Shinyaku Co. v. Sarepta Therapeutics, Inc., C.A. No. 21-1015-JLH

Dear Judge Hall:

Pursuant to the Court's December 11, 2024 Oral Order (D.I. 668), the parties write to provide the Court with revisions to the preliminary jury instructions.

In response to the Court's Order After Pretrial Conference providing that Nippon Shinyaku would need to either reduce its asserted claims to one patent claim or forfeit a half hour of its allotted trial time to Sarepta, (D.I. 669, ¶ 8), Nippon Shinyaku has elected to proceed to trial solely on one patent claim—namely claim 3 of the '092 Patent. As such, the parties have jointly agreed to revise the preliminary jury instructions to reflect this change in number of asserted Nippon Shinyaku patents as shown in the redline version of the preliminary jury instructions attached hereto as Exhibit A.

The parties request that the Court use the clean version of the preliminary jury instructions attached hereto as Exhibit B when instructing the jury on Friday and, absent other guidance from the Court, will include the version contained in Exhibit B in the juror notebooks being delivered to the Court this afternoon.

Respectfully submitted,



/s/ Amy M. Dudash

Amy M. Dudash (DE Bar No. 5741)

cc: All Counsel of Record (via CM/ECF)

Morgan, Lewis & Bockius LLP

1201 N. Market Street, Suite 2201
Wilmington, DE 19801
United States

 +1.302.574.3000
 +1.302.574.3001